



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ARÉNT FOX LLP**  
**1050 CONNECTICUT AVENUE, N.W.**  
**SUITE 400**  
**WASHINGTON DC 20036**

**COPY MAILED**

**DEC 25 2007**

**OFFICE OF PETITIONS**

In re Application of  
Hirofumi Honda  
Application No. 09/262,595  
Filed: March 5, 1999  
Attorney Docket No. P7156-9007

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue and publication fees on or before March 4, 2002 as required by the Notice of Allowance and Fee(s) Due, mailed December 3, 2001, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 5, 2002. The Notice of Abandonment was mailed May 2, 2002.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (3).

The file record shows that 5 years elapsed between the date of abandonment and the filing of the instant petition. A Notice of Abandonment was mailed to Nikaido Marmelstein Murray & Oram, the attorneys of record at the time of abandonment on May 2, 2002. Due to the extended delay in filing the petition to revive, further information as to the cause of the delay between the date the applicant was first notified that the application was abandoned and the date a 37 CFR 1.137(b) petition was filed is required, along with information as to how such delay was "unintentional." Petitioner must submit:

- (A) further information as to when the applicant (or applicant's representative) first became aware of the abandonment of the application; and
- (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). See MPEP 711.03(c).

Please provide further information in regards to the above within TWO (2) MONTHS from the mail date of this decision.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions